

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Schools and Libraries Universal Service Support Mechanism)	CC Docket No. 02-6
)	
Rural Health Care Support Mechanism)	WC Docket No. 02-60
)	
Lifeline and Link-Up)	WC Docket No. 03-109
)	
Federal-State Joint Board on Universal Service)	CC Docket No. 96-45

ORDER

Adopted: September 21, 2005

Released: September 21, 2005

By the Chief, Wireline Competition Bureau:

1. On Monday, August 29, 2005, Hurricane Katrina hit the Gulf Coast of the United States, causing massive flooding and other catastrophic damage in areas of Louisiana, Mississippi, and Alabama. The hurricane caused phenomenal property damage and personal injury as well as service disruptions and outages in telephone service in these states.¹ Numerous wireline and wireless carriers serve areas of Louisiana, Mississippi, and Alabama that were affected by the hurricane. In addition, many schools and libraries program participants (schools, libraries, and service providers) are located in these three states. For this reason we are, on our own motion, waiving our procedural rules relating to the Universal Service Fund (“USF”) on an emergency interim basis, as explained below. State commissions, carriers, and program beneficiaries in the affected areas of Louisiana, Mississippi, and Alabama may postpone filing the following USF forms, payments and data for a period of up to one hundred and fifty (150) days:

- *Schools and libraries and rural health care program beneficiaries:*
 - Appeals of schools and libraries and rural health care denials to the Universal Service Administrative Company.
 - Appeals of schools and libraries and rural health care denials to the Commission.
 - Responses to information requests from the Universal Service Administrative Company relating to schools and libraries and rural health care program applications.
 - FCC Forms 465, 466, 466-A, 472, 474, 486, and 500.
 - Requests for extension of service delivery deadlines.
 - Requests for service substitutions.

¹ President Bush issued Major Disaster Declarations for these three states on that same day. See <http://www.fema.gov/news/disasters.fema>.

- Requests for service provider changes.
- Notifications to the Universal Service Administrative Company of transfers of eligible service or equipment due to the temporary or permanent closure of a school or library.
- Filings related to actions seeking recovery of funds disbursed in violation of specific statutory provisions and Commission rules.
- *Carriers:*
 - FCC Form 497, for Lifeline/Link-Up support.
 - Mandatory quarterly line count filings for High Cost Model (“HCM”) support and Interstate Access Support (“IAS”) for incumbent local exchange carriers (“LECs”) and competitive LECs.
 - Mandatory quarterly line counts filings for all High Cost components received by competitive LECs.
 - Mandatory quarterly line count filings for High Cost Loop (“HCL”), Local Switching Support (“LSS”), and Interstate Common Line Support (“ICLS”) for incumbent LECs.
 - Voluntary quarterly updated line count and data filings for all other incumbent LECs.
 - Use certifications for HCL support, Safety Net Additive (“SNA”) support, Safety Valve Support (“SVS”), LSS, and HCM support.
 - FCC Forms LSSc and LSSa – Projected LSS data for 2006 payments.
 - FCC Form 509 – ICLS annual true-up data filing.
 - FCC Forms LSSc and LSSa – 2004 LSS true-up data.
- *Carrier contributions to the USF:*
 - September 15, 2005, October 14, 2005, November 15, 2005, December 15, 2005, and January 13, 2006 payments.²
 - FCC Form 499-Q (due November 1, 2005).
- *State commissions:*
 - Rate comparability certifications for non-rural carriers.
 - Use certifications for HCL support, Safety Net Additive (“SNA”) support, Safety Valve Support (“SVS”), LSS, and HCM support.

² Thus, carriers may make their USF contribution payments for September 2005 through January 2006 no later than January 26, 2006.

2. We find that due to the property damage, including damage to telecommunications systems, caused by Hurricane Katrina in the Gulf Coast states, carriers and other parties in the affected areas may need additional time in order to complete and file the various USF forms and data that would normally be filed within the next 150 days. In order to avoid prejudice to parties that are unable to timely file due to the disruption caused by Hurricane Katrina, we are temporarily waiving our filing deadlines to allow parties in Louisiana, Mississippi, and Alabama additional time in which to submit the above-listed USF payments, forms and data. Section 1.3 of our rules authorizes the Commission to suspend, revoke, amend, or waive, for good cause shown, a Commission rule.³ We recognize that carriers and other parties in Louisiana, Mississippi, and Alabama most affected by Hurricane Katrina should not be denied USF payments due to their inability to meet a filing deadline while attempting to restore service to customers and otherwise recover from catastrophic losses. Accordingly, we find that due to this natural disaster, good cause exists for temporarily waiving these procedural rules and that such waiver is in the public interest.

3. We therefore waive our filing rules with respect to the USF forms and data listed above. The temporary waiver is in effect from August 29, 2005 for one hundred and fifty (150) days, until January 26, 2006. All submissions listed above from carriers or other entities in Louisiana, Mississippi, and Alabama due during this 150 day time period will instead be due no later than January 26, 2006. To the extent that carriers in areas most affected by Hurricane Katrina may require additional time to submit the required payments, filings, or data, these carriers should request additional relief from the Wireline Competition Bureau. During this time period, we direct the Universal Service Administrative Company to continue payments under the High Cost program based upon earlier-filed data if the carrier is filing late under this waiver, to consider a late-filed Form 466 as timely filed and make payments for services under the Rural Health Care program, and to waive any other related deadlines that are necessary to effectuate the waiver provided herein, but not specifically mentioned in this Order. In addition, we recognize that some carriers and other entities may have lost relevant records pertaining to their participation in the four universal service mechanisms. Accordingly, we waive the recordkeeping requirements pertaining to those entities and such missing records will not be considered a violation of our recordkeeping requirements.⁴

4. Accordingly, IT IS ORDERED, pursuant to sections 4(i), 10, and 251(e) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 160, and 251(e), and the authority delegated in sections 0.91 and 0.291 of the Commission's Rules, 47 C.F.R. §§ 0.91, 0.291 that the Commission's procedural rules relating to universal service fund submissions are waived to the extent herein described.

FEDERAL COMMUNICATIONS COMMISSION

Thomas J. Navin
Chief, Wireline Competition Bureau

³ 47 C.F.R. § 1.3. This rule provides that “[a]ny provision of the rules may be waived by the Commission on its own motion or on petition if good cause therefore is shown.” *Id.*

⁴ See e.g. *Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Fifth Report and Order and Order, 19 FCC Rcd 15808, 15823-24, para. 47 (requiring applicants and service providers to retain all records related to the application for, receipt and delivery of discounted services for a period of five years after the last day of service delivered for a particular funding year); 47 C.F.R. § 54.619.